# 2017 APAAC Annual Prosecutor Conference June 21-23, 2017 Arizona Grand Resort & Spa Phoenix, Arizona



## SHES NEXT! THE IMPORTANCE OF ANIMAL CRUELTY CASES & THEIR LINK TO FAMILY VIOLENCE

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Distributed by:

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> ELIZABETH ORTIZ EXECUTIVE DIRECTOR

### The Importance of Animal Cruelty & Their Link to Family Violence



- "The greatness of a nation and its moral progress can be judged by the way its animals are treated." Mahatma Gandhi
- \*Think occasionally of the suffering of which you spare yourself the sight." Albert Schweitzer
- "All that is necessary for the triumph of evil is that good men do nothing." Edmund Burke

Outdated Excuses for Behavior

- -DUI "It's only a joyride."
- Domestic Violence "It's only a family matter."
- Animal Cruelty "It's only an animal, boys will be boys."

- Animals can be abused and neglect in many different ways.
  The motivation or reason for the crime
- may be different for each suspect. How was the animal killed or injured?
- How did the animal suffer will be important to your investigation.



# What is "The LINK?" Is there a link between: violence to animals and violence to people? Do researchers see a link? Child Abuse Elder Abuse

# The LINK: It's all in the Family! Families = adults, children and pets. - 70% + of U.S. Households with children have pets. - 70% + of U.S. Households with children have pets. - Veternary Medical Association. 2007) - Pets are in 63% of U.S. households (The American Pet Products Association Survey, published in Pet Age. 2008) - Having a pet is associated with more chances for social interaction (Wood, Gless Cart. & Buthers, 2009)

### The LINK: Studies do show a relationship.

- Do abusers threaten pets?
- 2 Does animal abuse & family violence occur in the same home? (DeViney Diction & Lockwood, 1983)
- Do the abused become abusers?



#### The LINK: Experts see co-occurrence.

- Co-occurrence: occur together.
- Correlation: occur together in a way not expected on the basis of chance.
- Co-occur is not the same as prediction.
  (Patterson-Kerw, Piper, 2009)
- Research shows correlation, but does not yet show causation.
- Caution in our assumptions, not in our protection of victims and research and treatment for perpetrators.



#### The LINK: Recent study sees "red flag".

2009 study: survey of 860 college students (is Armel Crusty a "red flag" for Fernily Volence? Journal of Interportational Volence, DeGue & Diction June 2009)

- 60% of those who witnessed or perpetrated animal abuse also experienced family violence.
- 30% of family violence victims experienced animal cruelty.



#### The LINK: Animal Cruelty Statistics

- 71% of abused women report that their batterers have threatened to hurt/kill their pets and have done so
- 32% of battered women with children report that their children have hurt or killed pets.
- 25%-48% of battered women delay leaving an abusive situation for fear of what will happen to her pet if left behind



#### The LINK: Animal Cruelty Statistics

- 40% of battered women report that they have been forced to participate in sexual acts with animals as part of their domestic terrorization
- 48% of rapists have committed acts of animal cruelty as children or adolescents
- 30% of child molesters have committed acts of animal cruelty as children or adolescents

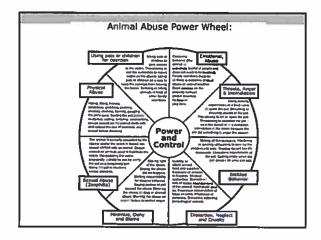
#### The LINK: Animal Cruelty Statistics

- · 15% of all rapists also rape animals
- 80% of homes in which animal control agencies found abused/neglected pets there had been previous investigations by child welfare agencies of physical abuse and neglect.



#### FBI and UCR

- Uniform Crime Report
- Previously grouped in "All other offenses"
- FBI now mandating that animal cruelty be reported
- Now Group A offense: category that includes crimes of serious nature including arson, burglary, kidnapping and homicide
- Data collection will begin 2016 and will be available the following year



#### Why Do Batterers Abuse Animals?

- · To exercise power and control
- To perpetuate the context of terror
- · To further isolate their victims
- To force family to keep violence a secret
- To retaliate for Acts of independence
- To prevent victim from leaving or punish her for leaving

#### Why Do Batterers Abuse Animals?

- Because animal abuse may be minimized, carry few penalties or be socially sanctioned
- · To express human aggression through an animal
- Displacement of hostility from a person to an animal
- To enhance aggressiveness
- To shock people for amusement
- To retaliate against and animal
- · To control an animal

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#### Forms in the context of Family Violence

- · Batterer kills a pet to punish the family
- Batterer threatens to kill a pet to secure silence for sexual abuse
- · Children kill pets to rehearse their own suicide
- Children kill before a dominant adult can do so
- Individuals tortures an animal as gang initiation rites or to gain status from peers

#### Forms in the context of Family Violence

- Batterers force partners to engage in sex with family pet
- Children create a fiercely loyal bond with an animal and escape to an imaginary world where the abuser cannot hurt them
- Adult victims of domestic violence prolong leaving an abusive relationship due to the fear of harm to the family pet

#### Prosecution of Animal Cruelty English Law

- Jeremy Bentham, barrister, one of first to address animals in the legal system.
- Footnote to "Introduction to the Principles of Morals and Legislation" (1781)
- Argued that the capacity for suffering is what gives a being the right to legal consideration.
- "The question is not, Can they reason? Nor, Can they talk? But Can they suffer?

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#### Prosecution of Animal Cruelty Predictor

- "It has long been accepted among professionals who must assess dangerous populations that the best predictor of future behavior is past behavior and a past history of violence is the single most important predictor of future violence... Violence against animals is violence and when it is present it is ... synonymous with a history of violence."
- FBI Supervisory Special Agent Alan C. Brantley at a Congressional Briefing, May 13, 1998

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

## FAMOUS ANIMAL ABUSERS THE LINK BETWEEN ANIMAL CRUELTY AND HUMAN VIOLENCE IS INDISPUTIBLE

Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

> H II. Holmes, aka Herman Mudgett, considered to be America's first serial killer. He was responsible for killing as many as 50 women in the 1890's

As a child he reportedly attacked animals in the woods and dissected them while they were still alike. He was executed in 1896.

#### Prosecution of Animal Cruelty Serial Killers and Abuse of Animals



On January 29,1979, Brenda Spencer opened fire with a rifle on a school in San Diego, injuring eight children and killing the school principal and custodian. Her explanation was: "I don't like Mondays. this cheers up my day."

As a younger child she reportedly enjoyed setting fire to the tails of dogs and cats

#### Prosecution of Animal Cruelty Serial Killers and Abuse of Animals



Theodore Robert "Ted" Bundy, was one of the most notorious murderers in US history. A serial killer, rapist, and necrophiliac, Bundy murdered scores of young women across the United States between 1974 and 1978. After more than a decade of vigorous denials, Bundy eventually confessed to over 30 murders. Bundy claimed that his grandfather, with whom Bundy spent time as a child, tormented animals. Evidence linked Bundy to graves "filled with animal bones."

#### Prosecution of Animal Cruelty Serial Killers and Abuse of Animals



Dahmer, an American serial killer, murdered and raped 163 men and boys between 1978 and 1991. His murders were particularly gruesome, involving acts of necrophilia, dismemberment and cannibalism.

As a teenager he kept dogs and cats impaled on sticks and stakes to trees. He preserved animal skeletons in a backyard shed.

#### Prosecution of Animal Cruelty Serial Killers and Abuse of Animals



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Born Richard David Falco, the "Son of Sam", confessed to killing thirteen people and wounding several others in New York City in the late 1970s. Berkowitz shot the neighbor's Labrador Retriever "Harvey" in 1976. He claimed Harvey was a "demon dog", and that it barked out orders, telling him to murder young women (later found untrue).

#### Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

- April 1999/Littleton, Colo. Eric Harris and Dylan Klebold shot to death 12 fellow students and a teacher and injured more than 20 others. Both teens had reportedly boasted about mutilating animals.
- May 1998/Springfield, Ore. Kip Kinkel, 15, killed his parents and opened fire in his high school cafeteria, killing two and injuring 22 others. He had a history of animal abuse and torture, having boasted about blowing up a cow and killing cats, chipmunks, and squirrels by putting lit firecrackers in their mouths.

#### Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

- March 1998/Jonesboro, Ark. Mitchell Johnson,
   13, and Andrew Golden, 11, pulled their school's fire alarm and then shot and killed four classmates and a teacher. Golden reportedly used to shoot dogs "all the time with a .22."
- December 1997/West Paducah, Ky. Michael Carneal, 14, shot and killed three students during a school prayer meeting. Carneal had been heard talking about throwing a cat into a bonfire.

Prosecution of Animal Cruelty
Serial Killers and Abuse of Animals
October 1997/Pearl, Miss. Luke Woodham, 16, shot and killed two of his classmates and injured seven others after stabbing his mother to death. Woodham's journal revealed that, in a moment of "true beauty," he and a friend had beaten, burned, and tortured his own dog, Sparkle, to death.

#### Prosecution of Animal Cruelty Serial Killers and Abuse of Animals



"All this did is spawn in me the urge to kill again. I began to think of what it would be like to kill a human being. The thought stayed with me for years, until one night it happened. I killed a woman by beating her almost to death and finished her off by strangulation. No longer did I search for animals to mistreat. I now looked for people to kill. And I did. I killed over and over until I was caught. Now I'm paying for it with the rest of my life behind bars. We should stop the cruelty to anything before it develops into a bigger problem, like me."

serial killer Keith Jesperson

#### Prosecution of Animal Cruelty Serial Killers and Abuse of Animals

Enck Smith, convicted of murder at age 13 in the 1993 killing of a four-year-old neighbor. The victim had been choked, struck repeatedly on the head and sodomized with a stick. Smith reportedly wat his bed until age 11 choked a neighbor's cat to death at 9, stanted a kinchen fire in the middle of the night and burned the nose of a friend while he slept.



#### Prosecution of Animal Cruelty Cases

- Important in and of themselves
- However, also important because of the link
- Also due to recanting of DV victims
- Can prevent crimes against humans or lead to discovery of crimes against humans

#### Challenges . . .

- Successful prosecution often requires specialized knowledge:
  - Relevant laws (state and local and federal)
  - Veterinary medicine
  - Veterinary forensics
  - Animal care
- Practices used in crimes against animals such as dog fighting and cockfighting

#### ... and More Challenges

- Judges
- Officers
- Other prosecutors
- Defense attorneys
- The law itself: animal = toaster
- · . . . yet public outcry
- Community standards for what is reasonable care changing yet...

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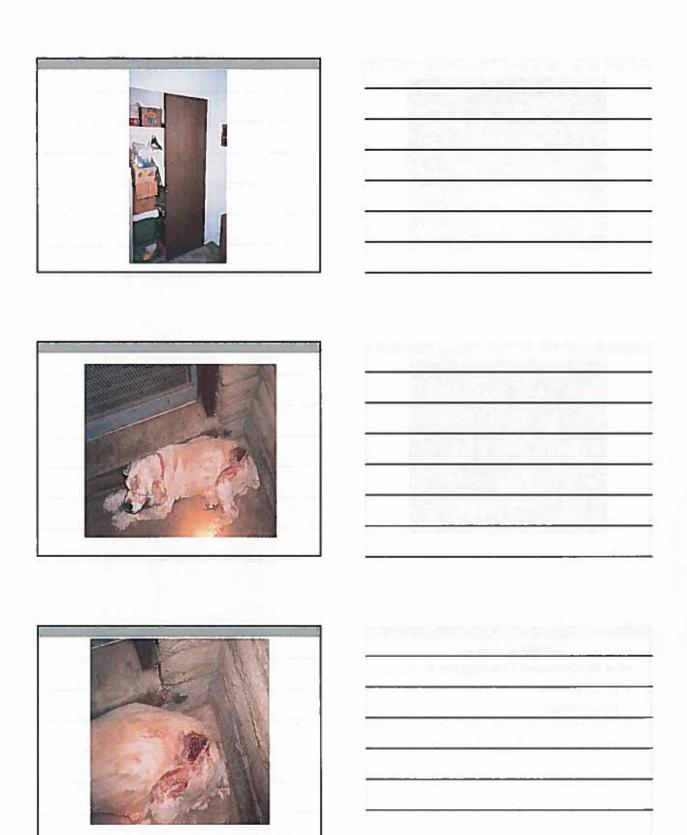
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- Almost killed dog
- · Choked to point of defecation
- Black eyes, bruises and lacerations to victim

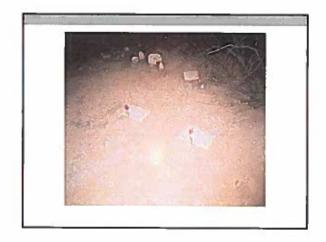
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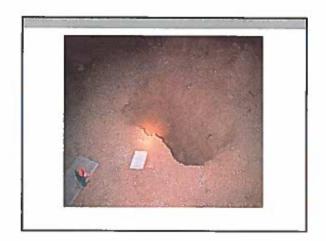
- 3/21/15: no longer wishes to prosecute
- VIS
- Lethality assessment

# Another Example

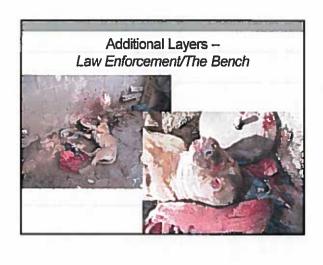








Additional Layers How Misdemeanor Can Become A Felony
James Holmes
Psychiatrist







#### Other issues – Child Neglect

Melissa Chamblee
 Animal and child neglect

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## **SOLUTIONS**

What is being done to address "The LINK?"

- Creative Charging
- Education/Prevention
- Legislation/Enforcement
- Advocacy
- Treatment





#### **Creative Charging**

- Case Examples
  - Fraud Schemes
  - Dairy Farm case, adding in human victims
- Dangerous charging
- Theft
- Unlawful discharge of a firearm
- Disorderly Conduct
- Gang Allegation

#### **Creative Charging**

A.R.S. § 13-3601: "Domestic violence" means any act that is a dangerous crime against children as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

#### Sentencing Memorandums - Educate

- Important opportunity to impact the case judge and the rest of the bench
- File as early as possible
- Examples provided in your materials disclaimer

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#### Tools - Order of Protection

• A.R.S. § 13-3602 (G)(7): Grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13-2910 or otherwise disposing of the animal.

#### Team Approach

- Standardization of Investigator/Prosecutor "Team"...
- Interagency Protocol, with clearly defined roles and responsibilities
- Task forces: ACT and APACT

- This SOP can then be used to train LEOs Managers and Commanders, and most importantly ... "Rank and File"
- Animal Cruelty crimes MUST be taken seriously
- Animal Crimes May be "Precursor Crimes"
- Not all animal abusers become mass murderers but some do!

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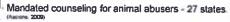
### Tools - Lethality Assessment It like their parties over threshold modes the grown against you? $\lambda LS$ the told for the most group to one a give and about her If the year partner that the entered to full you you children or post? YEAR To full for and for Estion. The fact on obligation. 5. Hen your portner on or breed to choke you? 5 ES. Width him hands light he light no marks. A Diver your partner time a gain or can they gut our? Notice be would get now. $\overline{S}$ . In your partner justices or do they try to posteral year? VEA. When they were together by aid in the 4. Her year partner aver truel in amount misself 547 Till a year partner over Lecosity on in horse was when you did to it can be "3-(1 B. Do you feel like the tyrisme against you is evaluting in neverty? $\S(E,E)$ its study with grathing her som and eventually he excited wrying he two going to LSE her $\theta$ (Do you thank your postner may try to fall you? VER I because of two thought to do see 19. Is your partner deads high on drags on a frequent baris? YEA the resolve marriages and gate drawk a feet As the time of this incompanies, the body wom common was again and and the guantest while on scene was both make and video recorded. A Copy of the recording was later aphented as evidence. $L(M_{\rm P})$ your partner ever throughout a notion against $\gamma m_{\rm P}^{\rm P}(M)$ 4. Thus your parent lines a gas aroundley get out MP 2. In your partner feel on or do they tre to control you? \$1.5 6. Her your partner ever trad to comment onicals? No ). How your partiest event forced you to have near whose you dishift want to ? No II. Do you find blir the violates against you we excelled gin security? Visc Good from varied to physical, very heated and hertury my deg. If the two finds your parties may by to hill you? Yes like then . This the amost purp. I don't have III Is test present dead high on drop on a disposit form! No I. Her your purpose a visit described usual a memory asserts year? VISI TO SARCTED, AND A FERRET WAS ALMOST ATTER DESCRIBED CAME HARD, AND IGANOT HIM A MARKAR, HER ADDIER DESCRIPTION AND THE ARD HER WAS GROVED TO MATERIER MER WAIRE, HER HAD A KNOPET NA THE HANDA ASARDAME BY INVASION CONTRIBUTED WITH A WAS AND THE AREA AND THE WAST TOO WARDON WAIRER AREA TO BE AND THE AREA AND THE AREA TO MAKE AND A TOWN AND THE AREA TO A TOWN AND THE AREA AND THE AREA TO THE AREA TO THE AREA AND TH 2 Has your protoce on a threatened to fully you, your children or peto? YES. TEP-SHREEN PSCIDENT HE THREATH OUTO GALL MY PETS.—SEE MIND OF EXPROPERSAL To file your partner over band to choke your YES. DACK IN MAY THE HALD ME PAY CHOKE HOLD AGAINST A WALL. 4. Does your puriour larve a gue or can they get one? YES 5. In your gusture pendous or do there are no counted youn 178 a 57.58 TUBE. WAS STANDARD AND MAKE THAT TAKES THAT I WAS STANDARD OF MY TIME. WANTS ALL MAKE TO GOOG THROUGH DOCKET ACTOR WITE HE SHE THAT PRANT OFF WHEN I TRED TO CALL THE PENDARD. 7 Has your partner over forced you to have not when you alide t want to? YET BELLY HE FORE YOUR NAME OF ANY WAS TRUTTON A SECRET FOR FORE FOR THE TOTAL AND HE AND B. Do you fair blue the xi-times agreed your is exceleting in severity " $\rm VLB$

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National Solutions	
National Solutions	
Policy changes in law and practice: (Ascisse, Shapes 2009)	
- Humane education - primary schools	
secondary schools	
Advanced degrees at undergraduate/graduate levels; i.e.     human-animal suv.     Increased research: assessing and prevention.	
Anti-primal physic laws: 47 states have felany laws	
Secondary prevention programs for identified at-risk youth: Gabrier's Angels, Forget Me Not Farms, People & Animals Learning, Project Second Chance, Strategic Human Intervention Program, Green Chimney Children's Residential Treatment Program.	
Intervention Program, Green Chimney Children's Residential Treatment Program.	
Tertlary prevention programs for identified at-risk youth.	
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National Solutions	
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Policy changes (continued)	
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Networking of community stakeholders (Link groups)	
Creating "safe havens" for domestic violence victims'	
animals.  Collaborate to protect victims, AZ law update.	A CONTROL SATURDAY SATURDAY SATURDAY
Cross-reporting and cross-training.	81
Sojourner and Lost Our Home	•

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#### Policy changes (continued)





- Treatment models for perpetrators
- Ani-Care Model of Treatment for Animal Abusers
- Children & Animals Together Assessment & Diversion Program

Animal	Abuse	Registry
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NEW YORK

Suffolt County, NY Creating Nation's First Public Database Tracking Animal Cruelty
Offenders, a FRANK EXMAN Posed 1014/2010 Huttington Post
FARRANG/ILLE, N.Y. — You've heart of Megan's Leris, designed to keep ses offenders
from striking again. Now there's a lev created in the hope of preventing animal
abusers from inflicting more cruelty — or making on to human victims. Burtisk County,
en the eastern half of Long Island, moved to create the subon's first animal abuse
registy this week, requiring people convicted of cruelty to enimals to register or face
juil time and fines. "We know there is a very strong correlation between animal
abuse and domestic violence," said Suffolk County legistator or face
juil time and fines. "We know there is a very strong correlation between animal
abuse and domestic violence," said Suffolk County legistator or one
lift's aponator. "Alimost every serial killer starts out by torturing ansmals,
so in a strange sense we could end up protecting the lives of people."
The online flat will be open to the public, so that pet owners or the merely curious can
find out whether someone living near them is on it. Some animal abusers have been
known to steal their neighbors' pets.
Cooper is also pushing legislation that would be anyone on the registry from buying
or adopting a pet from a shelter, pet shop or breeder.
The tare was prompted by a number of animal abuse cases in recent months, including
that of a Selden woman accused of farcling her children to watch her torture and kill
kittens and dozens of dogs, then burying the pets in her backyard ....

#### **Animal Abuse Registry**

- Tennessee
- Cook County

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#### Point of View

- Education, enforcement, awareness
- First victim of domestic violence may be the animals in the household
- Victimization prevention may begin with competent animal cruelty investigation

#### Resources

- Join the National Link Coalition and sign up for their free newsletter <u>www.nationallinkcoalition.org</u>
- Juvenile & Family Justice, TODAY, A Publication of the National Council of Juvenile and Family Court Judges, Spring 2010

https://awionline.org/sites/default/files/uploads/legacyuploads/documents/DV-NCJFCJArticleSpring2010-040611-1302122112-document-38932.pdf

 Understanding The Link between Violence to Animals and People; A Guidebook for Criminal Justice Professionals, Allie Phillips, J.D.

http://ndaa.org/pdf/The%20Link%20Monograph-2014.pdf

#### Our Role

- Take charge!!!
- Take it seriously and take on the role!!!!
- Review relevant animal cruelty and agricultural laws and definitions in your jurisdiction
- Identify resources on this connection in your community (humane agents, animal control officers, veterinary professionals, social service agencies)
- Require therapeutic evaluations and interventions
   Be receptive to outreach from animal protection professionals/Prevention Program
- Create or support cruelty taskforce

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#### The Best Resources

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